

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN SPENTZ,

Defendant.

Case No. 2:08-cr-00164-KJD-GWF

ORDER

Motion to Direct Surrender of Files (#293)

This matter comes before the Court on Defendant Justin Spentz's ("Spentz") Motion for Order Directing Surrender of Files (#293), filed on October 12, 2012. To date, no responses have been filed. Spentz desires a copy of the file generated by his trial counsel, Gary Myers ("Myers"), in the underlying criminal matter ("File") for use in preparing a collateral attack on his conviction. Spentz represents to the Court that he has requested the File from Myers on multiple occasions but has received no response. Under Nevada Rule of Professional Conduct 1.15(a), attorneys shall safeguard any client files in their possession for seven years after the termination of representation. Upon request, Defendant is entitled to the File generated for his defense in the underlying trial. Accordingly,

IT IS HEREBY ORDERED that Defendant Justin Spentz's Motion for Order Directing Attorney of Record to Surrender Defense Files (#293) is **granted**.

IT IS FURTHER ORDERED that Trial Counsel Gary Myers shall provide to Defendant Justin Spentz a copy of all documents obtained or generated for Defendant's defense in the underlying matter at Defendant's last known address: F.C.I. Phoenix, 37910 North 45th Avenue, Phoenix, Arizona 85086.

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1 **IT IS FURTHER ORDERED** that the Clerk of the Court shall direct service of this Order and
2 the instant Motion (#293) by certified mail to Trial Counsel Gary Myers' last known address: 7251
3 West Lake Mead Boulevard, Suite 300, Las Vegas, Nevada 89128.

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5 DATED this 24th day of October, 2012.

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8 GEORGE FOLEY, JR.
9 United States Magistrate Judge
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